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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,316	07/19/2001	Daniel Putterman	MEDB.P0001	2016

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/910,316

**Applicant(s)**

PUTTERMAN ET AL.

**Examiner**

Jason P Salce

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/2004 has been entered.

### ***Claim Objections***

2. Claims 43, 56, 69 and 77 are objected to because of the following informalities: The limitation "network" should read "a network". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 43-44, 46, 48-57, 59 and 61-68 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Humpleman et al. (U.S. Patent No. 6,182,094).

Referring to claim 43, Humpleman discloses coupling a plurality of media devices to a network (IEEE network 114 in Figure 1), and a first and second media device (see

Figure 1 for a DTV 102 (first media device) and DVCR player 110 (second media device) connected to a 1394 Serial Bus 114).

Humpleman also discloses discovering, at a first media device, audio/video content provided by a second media device on said network (see Column 6, Lines 58-64 for controlling multiple devices through a GUI used at the DTV 102 and Column 15, Lines 56-62).

Humpleman also discloses that the second media device provides to the first media device audio/video content (see Column 19, Lines 59-61 for transmitting the video over the network from the DVCR and Column 20, Lines 13-16 for displaying the video sent from the DVCR on the DTV).

Humpleman also discloses that the network is used to transfer audio/video content from the second media device (DVCR) to the first media device (DTV) at Column 4, Lines 24-31.

Humpleman also discloses that the first media device receives and plays the audio/video content (see Column 20, Lines 13-30).

Referring to claim 44, see Column 22, Lines 22-29 for also providing audio content (such as a CD). Also note that the DTV plays audio/video content, therefore the audio/video content contains audio.

Referring to claim 46, Humpleman discloses that the audio/video content contains video (see the rejection of claim 43).

Referring to claim 48, Humpleman discloses that the second media device comprises storage for storing audio/video content at said second media device (see

Column 5, Lines 52-54 for the second media device being a DVCR, which stores audio/video content).

Referring to claim 49, Humpleman discloses receiving said digital content file at said first media device from a device external to said first media device (see Column 15, Lines 58-62 for a DVCR being able to “accept video” from an external source).

Referring to claim 50, Humpleman discloses that the first media device further comprising an interface for receiving user input to select audio/video content available on said media system (see Column 4, Lines 63-67 for a first device (DTV) fetches a GUI from a second device (DVCR) to allow access to the second device).

Referring to claim 51, Humpleman discloses that the interface for receiving user input comprises an interface for receiving remote control signals (see Column 8, Lines 23-26).

Referring to claim 52, Humpleman discloses that the interface for receiving user input comprises an interface for receiving control signals from another media device (see Column 4, Lines 63-67 for a first device (DTV) fetches a GUI from a second device (DVCR) to allow access to the second device, therefore receiving control signals (the HTML page) from another (second) media device).

Referring to claim 53, Humpleman discloses control access at a first media device for identifying said user and for restricting access to said audio/video content available based on said user (see Column 20, Lines 52-56).

Referring to claim 54, Humpleman discloses software for organizing said audio/video content (see transmitting a GUI to a controller media device at Column 6, Lines 48-51 and Dads TV window 706 in Figure 10 and Column 15, Lines 33-55).

Referring to claim 55, Humpleman discloses that either a first or second media device can be a PC (see Column 5, Lines 63-67).

Referring to claims 56-57, 59 and 61-68, see the rejection of claims 43-44, 46 and 48-55, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45, 47, 58, 60 and 69-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (U.S. Patent No. 6,182,094).

Referring to claim 45, Humpleman teaches that the first media device comprises an audio system (note that DTV is capable of playing audio/video content, and therefore is an audio system), but fails to teach that the first media device comprises a set-top box.

The examiner notes that it is well known to use a set-top box in tandem with a digital television (DTV).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to use a set-top box along with the DTV taught by Humpleman,

for the purpose of allowing a user to further access interactive applications, such as the Internet or a home shopping system.

Referring to claim 47, Humpleman teaches that the first media device comprises a television (DTV), but fails to teach that the first media device comprises a set-top box.

The examiner notes that it is well known to use a set-top box in tandem with a digital television (DTV).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to use a set-top box along with the DTV taught by Humpleman, for the purpose of allowing a user to further access interactive applications, such as the Internet or a home shopping system.

Referring to claims 58 and 60, see the rejection of claims 45 and 47, respectively.

Referring to claim 69, Humpleman discloses coupling a plurality of media devices to a network (IEEE network 114 in Figure 1), and a first and second media device (see Figure 1 for a DTV 102 (first media device) and DVCR player 110 (second media device) connected to a 1394 Serial Bus 114). Note that the DVCR 110 is a storage device coupled to the network 114.

Humpleman also discloses discovering, at a first media device, audio/video content provided by a second media device on said network (see Column 6, Lines 58-64 for controlling multiple devices through a GUI used at the DTV 102 and Column 15, Lines 56-62).

Humpleman also discloses that the second media device provides to the first media device audio/video content (see Column 19, Lines 59-61 for transmitting the video over the network from the DVCR and Column 20, Lines 13-16 for displaying the video sent from the DVCR on the DTV).

Humpleman also discloses that the network is used to transfer audio/video content from the second media device (DVCR) to the first media device (DTV) at Column 4, Lines 24-31.

Humpleman also discloses that the first media device receives and plays the audio/video content (see Column 20, Lines 13-30).

Humpleman fails to teach that the first consumer electronics device comprises a set-top box.

The examiner notes that it is well known to use a set-top box in tandem with a digital television (DTV).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to use a set-top box along with the DTV taught by Humpleman, for the purpose of allowing a user to further access interactive applications, such as the Internet or a home shopping system.

Claim 70 corresponds to claim 69, where Humpleman teaches that a device can reside in a PC (see Column 5, Lines 62-67).

Claim 71 corresponds to claim 69, where Humpleman at Column 22, Lines 22-29 discloses providing audio content (such as a CD). Also note that the DTV plays audio/video content, therefore the audio/video content contains audio.



Claim 72 corresponds to claim 71, where Humpleman discloses an audio system in the rejection of claim 71.

Claim 73 corresponds to claim 71, where Humpleman discloses that the storage device can be a CD player at Column 22, Lines 22-29.

Claim 74 corresponds to claim 69, where Humpleman discloses that the audio/video content comprises video (see the rejection of claim 69).

Claim 75 corresponds to claim 74, where the first consumer electronics device comprises a television (see the rejection of claim 69 for a DTV).

Claim 76 corresponds to claim 74, where the storage device comprises a DVD player comprising a DVD (see Column 23, Lines 33-38).

Referring to claims 77-84, see the rejection of claims 69-76, respectively.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 23, 2004

A handwritten signature in black ink, appearing to read "James Baker", is written over the date.